



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

June 27, 2019

Ms. Emma Best
Muck Rock News, DEPT MR
73621 411A Highland Ave
Somerville, MA 02144

RE: Freedom of Information Act Request Number EPA-HQ-2019-005922

Dear Ms. Best:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on May 21, 2019 in which you are seeking:

*Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act, to include:

1. The instruction to do so from the Agency, as well as any guidance from the senior leadership
2. Documents discussing proposals and procedures
3. Any legal guidance or analysis produced or acquired by the Agency in response to or as part of the creation of the FOIA office
4. Internal documents from the press office, legislative liaison's office (or equivalent), general counsel's office (or equivalent), director's office (or equivalent) or the newly created FOIA office, reacting to or characterizing the office and its creation

A copy of the agency's first perfected (successful) FOIA request

Copies of other FOIA requests filed before the FOIA request described above

Processing notes, search slips and response documents regarding the FOIA requests described above

The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests

A copy of the agency's first successful FOIA appeal

Copies of other FOIA appeals received by the agency before the appeal described above

Processing notes, search slips and response documents regarding the FOIA appeals

described above

The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals.

A search of the EPA National FOIA Office for records relating to the first agency FOIA, appeal, and records created in relation to the initial establishment of the FOIA program responsive to your request produced no responsive records.

The Environmental Protection Agency is subject to the Federal Records Act and has complied with the EPA Records Schedule and the U.S. National Archives and Records Administration (NARA) General Records Schedule with respect to documents related to the FOIA program. The EPA Records Schedule and the General Records Schedule outline the disposition of records, including those related to FOIA (GRS 4.2 addresses FOIA documents specifically). EPA does not maintain copies of records; however, permanent records would have been transferred to the custody of NARA, which is the official custodian of permanent records that have been retired by Federal agencies. It is possible that NARA has the records you seek pertaining to the establishment of the FOIA Office for the EPA.

The National Archives may be able to help you narrow your search without your having to submit a FOIA request. Should you wish to obtain further information about your query, you may contact NARA via the contact information listed below.

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
Telephone: 301-837-2000
<https://www.archives.gov/research>

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The total fee incurred in processing this request is de minimus and therefore you will not be billed. If you have any questions, please contact the National FOIA Office at (202) 566-1667.

This letter concludes our response to your request. You may appeal this final response with an email to hq.foia@epa.gov, through FOIAonline if you are an account holder, or by writing to:

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, D.C. 20460

Please note that only correspondence mailed through the U.S. Postal Service can be delivered to

the address above. If you would like to deliver your appeal in person, via courier service or via an overnight delivery service, you must address your correspondence to 1200 Pennsylvania Avenue, NW, Room 5315, Washington, D.C. 20460.

Your written appeal must be received no later than 90 calendar days from the date of this letter and should include the request number listed above. The EPA will not consider appeals received after the 90-calendar-day limit. Appeals received after 5 p.m. Eastern time will be considered as having been received the next business day. For the quickest possible handling, the subject line of your email or the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

You may seek dispute resolution services from the Office of Government Information Services. You may contact OGIS with an email to ogis@nara.gov; by calling (202) 741-5770 or (877) 684-6448; with a fax to (202) 741-5769; or by mail to Office of Government Information Services, National Archives and Records Administration, 8610 Adelphi Road, Room 2510, College Park, Maryland 20740-6001.

If you have any questions about this response, please contact EPA's FOIA public liaison at hq.foia@epa.gov or (202) 566-1667. For all media inquiries, please contact press@epa.gov.

Sincerely,

Timothy R. Epp
National FOIA Office